



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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November 20, 2017

Hon. Richard J. Sullivan
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *SEC v. Durante*, 15-CV-9874-RJS (S.D.N.Y.)

Dear Judge Sullivan:

We represent the Plaintiff Securities and Exchange Commission in this action. By Order dated September 13, 2017 (docket no. 102), the Court directed the Commission to submit a letter by November 20, 2017, apprising the Court as to the status of settlement discussions with the Defendants in this action in light of the convictions and guilty pleas in the parallel criminal action, *U.S. v. Durante*, 15-CR-171-ALC (S.D.N.Y.).

Since our last status report, the Commission has continued settlement discussions with defendants Edward Durante, Larry Werbel and Evolution Partners Wealth Management LLC ("Evolution Partners"), and Kenneth Wise, and has successfully resolved the non-monetary relief sought in the complaint with respect to Wise. Judgment as to Wise was entered on October 6, 2017 (docket no. 104). Werbel has informed the Commission that Evolution Partners has been dissolved; in light of this the Commission staff will consider seeking authorization to dismiss the case as to it. As noted in prior status reports, only Durante has answered the complaint. Thus, if these defendants do not consent to a resolution of the action, upon lifting the stay the defendants who have not answered will need to answer and the case will proceed as a litigated matter.

In addition to Wise, defendants Christopher Cervino, Abida Khan a/k/a Sheik Firdosh Khan, and Walter Reissman previously consented to partial judgments imposing non-monetary relief.

After several postponements, Durante is scheduled to be sentenced on December 4, 2017, and Cervino and Khan are both scheduled to be sentenced on December 15, 2017. Wise and Reissman are both scheduled to be sentenced on January 11, 2018.

As of this date, no judgments of conviction have been entered in the criminal case.

The Commission will continue to seek resolution of the non-monetary relief as to Durante, Werbel, and Evolution Partners Wealth Management LLC as the criminal sentencings unfold. The

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Commission respectfully proposes reporting back to the Court in 60 days with respect to the status of settlement discussions with the defendants and/or a plan for how to move the case forward.

Respectfully submitted,

/s/ Paul G. Gizzi

/s/ James K. Hanson

Paul G. Gizzi

James K. Hanson

Cc: All Defendants